

**Statement of
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Bureau of Land Management
United States Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 2354, Twin Falls, Idaho Land Conveyance
July 16, 2008**

Thank you for inviting me to testify on S. 2354. This legislation directs the Secretary to convey without consideration approximately 165 acres of BLM public lands to the City of Twin Falls, Idaho, to be used to improve water quality in the Snake River and enhance wildlife habitat. We understand that the proposed conveyance is part of a broader project that would accomplish important public purposes, and the Department recognizes the vision and leadership of the City of Twin Falls in developing this innovative and cooperative conservation effort. The Department supports S. 2354. We would like the opportunity to work with the sponsors on certain clarifying technical amendments.

Background

In 2002, the City of Twin Falls purchased about 520 acres of private land within the Snake River Canyon in order to create a public park and wildlife habitat with unique environmental and public benefits. The land, known as Auger Falls, is located about two miles downstream of the City's wastewater treatment plant, which daily discharges nearly 7 million gallons of treated wastewater into the Snake River. The treated wastewater meets or exceeds Federal permit standards, but still contains nutrients, such as nitrogen and phosphorus, which tend to promote the growth of mosses and other potentially harmful aquatic species within the river. The proposed project would improve water quality in the Snake River by constructing 53 acres of wetlands at Auger Falls. The treated wastewater would be piped from the treatment plant to the wetlands, where it will be filtered further by soils, aquatic plants, and organisms, allowing cleaner water to return to the Snake River. The City's project master plan envisions acquiring and incorporating 165 acres of adjacent BLM lands into the Auger Falls Project. The treated wastewater would be used to establish riparian vegetation in the series of wetlands and to create wildlife habitat throughout the combined 685 acre site. Public access would be provided to the entire area, and hiking, wildlife viewing, environmental education and other dispersed recreation activities would be made available and encouraged.

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S. 2354 would convey to the City of Twin Falls, without consideration, four parcels of BLM-managed land totaling approximately 165 acres. Under the bill, the conveyed lands would be used to support public purposes and could not be used for residential or commercial purposes, except for a limited agricultural exemption to allow for water quality and wildlife habitat improvements. The conveyed lands would revert to the United States, at the discretion of the Secretary, if the lands identified were no longer used in accordance with the purposes of the bill. The bill also provides that the City of Twin Falls would pay all survey and administrative costs necessary for the transfer, and that the conveyance would be subject to valid existing rights.

The BLM lands identified for conveyance in S. 2354 are isolated parcels surrounded by private or City-owned lands. Two of the parcels have no legal public access. We note that among the valid existing rights on the parcels are a Federal Energy Regulatory Commission (FERC) Water Power Site Reservation (Project No. 565, IDI-15630), a FERC Power Project Withdrawal (Project No. 6015, IDI-26589), and a United States Geological Survey (USGS) Water Power Site Classification (Project No. 390, IDI-15798). In accordance with Section 24 of the Federal Power Act, patents issued for the conveyed lands must include a reservation to the United States for potential future power site development. We understand that FERC representatives have indicated the proposed transfer would have minimal affect on the withdrawals, but we defer to FERC for its views on this issue.

The Department supports the conveyance identified in S. 2354 because it will help achieve important public purposes and is consistent with the intent of the Recreation and Pubic Purposes Act. The bill would maintain and potentially enhance the resource values on these lands, and we understand it would also contribute to a broader effort that would provide important public and environmental benefits. To confirm and strengthen this understanding, we would like to work with the sponsors to more fully describe the purpose of the conveyance in terms of the specific goals of the Auger Falls Project. We would also like to work with sponsors on certain technical amendments to clarify and facilitate the conveyance process, including providing a map instead of legal descriptions of the lands to be conveyed.

We appreciate the effort of the City of Twin Falls and the sponsors to craft an innovative and cooperative conservation effort that will provide wide-ranging benefits to public lands and the region's environment.

Thank you for the opportunity to testify. I will be glad to answer questions.